

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

08/20/04 P 1:23

UNITED STATES DISTRICT COURT
Docket No.: 04CV-1035RCLASS

SHELDON G. ADELSON,

Plaintiff,

v.

MOSHE HANANEL,

Defendant.

**PLAINTIFF'S MOTION FOR LEAVE TO TAKE DISCOVERY LIMITED TO
PERSONAL JURISDICTION, IF THE COURT CHOOSES TO DECIDE THE
DEFENDANT'S MOTION TO DISMISS ON THE BASIS OF SUBSTANTIAL
PROPERTY, RATHER THAN THE PRIMA FACIE STANDARD**

The Plaintiff respectfully moves that, if the court decides to apply the standard of reasonable probability or likelihood rather than the prima facie evidence standard, that the parties be permitted limited discovery, including depositions of the principals and limited to factual issues related to personal jurisdiction.

The Plaintiff is willing to accommodate the Defendant by taking his deposition in some European country, such as Holland, to which the Defendant travels frequently, rather than the United States, if that would be less taxing.

The Plaintiff,
SHELDON G. ADELSON,
By his attorneys,

Albert P. Zabin
Albert P. Zabin, B.B.O. No.: 538380
Franklin H. Levy, B.B.O. No.: 297720
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
(617) 289-9200

Dated: August 19, 2004

CERTIFICATE OF SERVICE

I, Albert P. Zabin, do hereby certify that I served a copy of the foregoing on all counsel of record listed below via first class mail, postage prepaid this 19th day of August 2004.

James A.G. Hamilton, Esquire
Perkins, Smith & Cohen, LLP
One Beacon Street
Boston, MA 02108

Albert P. Zabin
Albert P. Zabin